

## **ARTICLES FOR 10-15-15 ROUNDUP**

### **Attorney General Reyes Named 2015 STARBlazer for Integrity, Selfless Community Service and Professional Accomplishment**

SALT LAKE CITY Oct. 13, 2015 – Over the weekend, Utah Attorney General Sean Reyes was honored as a 2015 STARBlazer by the Philippine American Business Improvement and Development Association (Phil-Am BID) at a gala ceremony hosted at the Marriott Marquis in San Diego, the third highest Filipino-American populated city in the United States. The STARBlazer award recognizes members of the community for their integrity and professional accomplishments, and pays tribute to their selfless service in the true spirit of “giving back.”

“The lessons of my Filipino elders have made me a stronger American, husband and father,” said Attorney General Reyes. “Any success that I've been blessed with comes from God and my family. I am grateful to stand in such prestigious company not only to receive the STARBlazer honor – but also the support of the Fil-Am Community of San Diego.”

California Congressman Juan Vargas, U.S. Department of Housing and Urban Development Deputy Secretary Nani Coloretti and California Governor Appointments Secretary Mona Pasquil also received a 2015 STARBlazer Award at the Gala.

Founded in 2005, Phil Am BID is a non-profit organization comprised of a diverse group of business leaders, entrepreneurs, professionals, community advocates, military officers, and public officials whose good character, integrity, leadership, kindness of heart, and strong love for the community unite them in their advocacy.

### **DAVID SISOMBATH CHARGED WITH PROMOTING CHILD ABUSE FOR POSSESSING AND DISSEMINATING CHILD PORNOGRAPHY**

HONOLULU – Attorney General Doug Chin announced today that a grand jury has charged David Sisombath with six counts of promoting child abuse in the second degree and one count of promoting child abuse in the third degree. The allegations against Mr. Sisombath are that he disseminated child pornography over a peer to peer file sharing network, and possessed over 384 images and videos of child sexual abuse with 44 of the files depicting children under the age of 12 on six separate computers and hard drives.

Attorney General Chin said of the charges: “As our criminal laws recognize, child pornography is child abuse. These horrible images can only be created by abusing a child. Every time someone views or shares these images, the victim of that abuse is being abused again. Our department will prosecute these offenses to the fullest extent of the law.”

The arrest of Mr. Sisombath and the charges filed against him were a result of work done by Hawaii’s Internet Crimes Against Children (HICAC). HICAC is part of a cooperative nationwide network of Internet Crimes Against Children task forces that are dedicated to protecting children in the online environment. To learn about how to keep your children safe online, please use the resources available on the HICAC webpage: <http://ag.hawaii.gov/hicac/>.

Mr. Sisombath is presumed innocent unless and until he is found guilty of the charges beyond a reasonable doubt.

## **Uber's Amber Alert partnership aims to 'bring more missing children home safely'**

The app-driven car-service company has teamed up with the National Center for Missing & Exploited Children to implement the initiative in more than 180 American cities — potentially reaching about 75 percent of the country's population. A pilot program, launched a few months ago in Colorado, led to the nationwide expansion, according to a press release issued Wednesday.

Robert Hoever, a director of special programs in NCMEC's Missing Children Division, described the partnership as an "incredible asset" in a statement. "[We] are proud to team up with Uber to increase the reach of the Amber Alert program and help bring more missing children home safely," he was credited as saying.

Uber is the latest transportation group to join law-enforcement agencies, broadcasters and wireless carriers in the effort to track down abducted children. Since the first Amber Alert was issued in 1996, 772 children have been recovered specifically because of these notifications, according to the press release.

## **Attorney General Sean Reyes Delivers Keynote at the National Association of Women Judges 2015 Conference**

Speech Highlights Women in Law & Utah's Efforts to Combat Human Trafficking

SALT LAKE CITY Oct. 9, 2015 – Utah Attorney General Sean Reyes today delivered the keynote address at the National Association of Women Judges 2015 Conference, the 37th annual event held this year in Salt Lake City. Approximately 150 women judges from throughout the country and world representing federal, state, tribal, military and administrative law courts at both the appellate and trial levels were in attendance – along with many local practicing attorneys and law students.

“I want my little girl to grow up knowing she can achieve her dreams in part because you have pushed open many doors for generations of women behind you,” noted Reyes in his remarks. “And I want to thank you for making the fight against human trafficking, which ravages women and children worldwide, one of your organizational priorities.”

Utah has become a leader in combating trafficking both domestically and internationally. In addition to Utah's universities offering programs focused on the issue, its legal and judiciary community, along with the legislature, non-profits network, corporations and law enforcement are joining together through the Trafficking in Persons Task Force administered through the Utah Attorney General's Office. Attorney General Reyes recently hosted 23 international leaders in trafficking discussions, trained 20 Attorneys General from foreign states and countries – and has been invited to speak with ambassadors and heads of state about coordinating efforts on this issue.

## **FEDERAL JUDICIAL PANEL STRIKES ANOTHER BLOW AGAINST EPA'S WOTUS RULE**

BISMARCK, ND - Attorney General Wayne Stenehjem announced that North Dakota's challenge to the EPA's Waters of the United States (WOTUS) Rule has met with success in another federal court. Earlier this morning, the Judicial Panel on Multidistrict Litigation issued a

unanimous order denying transfer of the district court cases that have been filed challenging the United States Environmental Protection Agency and United States Army Corps of Engineers' "Waters of the United States" Rule.

The federal Agencies had asked the panel to transfer and centralize all of the pending cases – including the North Dakota case – to the federal district court in the District of Columbia. North Dakota opposed the request, arguing that its case was in a unique procedural position due to it being the only case with a preliminary injunction and that the federal Agencies had not met their burden to justify transfer. A hearing was held on October 1 in New York City. "We have a long way still to go but this is the state's third consecutive victory on the route. We will continue to press the matter until the WOTUS rule is invalidated," said Attorney General Wayne Stenehjem.

In its order, the panel agreed with North Dakota, holding that "centralization will not serve the convenience of the parties and witnesses or further the just and efficient conduct of this litigation." As a result, each of the fourteen cases filed in various federal district courts across the country will proceed independently. North Dakota and its coplaintiff states have already asked the North Dakota judge to issue a scheduling order so that the case may be heard promptly on the merits. In August, federal district court judge Ralph Erickson issued a preliminary injunction blocking the WOTUS rule being enforced in North Dakota and the twelve other states that had joined the lawsuit.

### **Attorney General Laxalt Issues Statement on U.S. Court of Appeals Ruling on "Waters of the U.S." Regulation**

Carson City, NV – Nevada Attorney General Adam Paul Laxalt issued the following statement after a U.S. Court of Appeals for the 6th Circuit issued an order staying the implementation of the Environmental Protection Agency's (EPA) new "Waters of the United States" rule nationwide. This is the second federal court to block the federal rule from being implemented in Nevada. Both courts found "a substantial possibility of success on the merits" of Nevada's arguments that the rule is unlawful.

"In June, my office sued to invalidate an EPA rule that places unnecessary burdens on Nevada's landowners and puts their properties at risk," said Laxalt. "Today's nationwide stay marks yet another victory for this state and the country at large, and expands on the earlier injunction granted by a U.S. District Court. As your attorney general, I will continue to advocate on behalf of Nevada to protect this state, its residents and its private property owners from this and future attempts at overreach by the federal government."

In June, the EPA issued the "Waters of the United States" rule that, as the 6th Circuit court noted, has "pervasive nationwide impact" in expanding federal power over state and local waters across the nation. The regulation imposes burdensome requirements on public and private entities, and particularly impacts Western states. In August, a U.S. District Court granted a preliminary injunction preventing this rule from taking effect in Nevada and 12 other states. Today's ruling expands that injunction nationwide.

In addition to Nevada, the following 30 states have sought action to enjoin or delay the EPA's rule: Alabama, Alaska, Arkansas, Arizona, Colorado, Florida, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, West Virginia, Wisconsin, and Wyoming.

## **Oregon Supreme Court Denies Oracle Mandamus Statement from AG Rosenblum**

The Oregon Supreme Court today denied a mandamus petition filed by Oracle's lawyers asking the Court to dismiss the five high-level Oracle executives named in Oregon's lawsuit against the company. The State of Oregon is suing Oracle over the debacle that was the Cover Oregon website. Attorney General Ellen Rosenblum and the Oregon Department of Justice filed the suit in Marion County Circuit Court and seeks more than \$200 million in damages. Rosenblum sued Oracle and some of its executives for fraud, racketeering and false claims of payment, the Attorney General's office said in a statement. Among the allegations in the suit, Oracle submitted false claims to the state and Cover Oregon totaling hundreds of millions of dollars.

A mandamus petition to the Oregon Supreme Court is an extraordinary request asking Oregon's highest court to order a trial judge to take action in a case that is still pending. Marion County Circuit Court Judge Geyer had previously rejected the executives' argument that they should be dismissed from the lawsuit.

Attorney General Rosenblum issued the following statement:

"Today, the Oregon Supreme Court refused to let Oracle's executives off the hook. In August, these high-level executives complained to the court that they did not bear any personal responsibility for any misrepresentations they may have made to the state about Oracle's work product.

Let me be clear: These people are high level executives who were integral to the misrepresentations made by Oracle to Oregon officials, and they should be held accountable.

If only Oracle, Oracle's President Safra Catz and her army of lawyers would stop wasting our taxpayer dollars on legal maneuvers like this one. It is time for the company to get serious about paying us back. Instead, this corporation has budgeted millions of dollars to fight our state at every opportunity.

I would be pleased to meet with Ms. Catz and her legal counsel at her earliest convenience to discuss how Oracle intends to make its unhappy customer whole."

## **Governor Signs Second Bill in Attorney General Kamala D. Harris's Cyber Exploitation Legislative Package**

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LOS ANGELES - Attorney General Kamala D. Harris today issued a statement in response to Governor Jerry Brown's signature of Assembly Bill 1310 (Gatto, D-Glendale), one of two cyber exploitation bills sponsored by Attorney General Harris.

"This new law gives law enforcement important tools necessary to hold cyber exploitation perpetrators accountable and bring justice to victims," said Attorney General Harris. "AB 1310 furthers the ability of law enforcement to gather evidence and prosecute these heinous cases. I thank Assemblymember Gatto for authoring this critical measure."

AB 1310 amends current law by allowing search warrants to be issued for cyber exploitation crimes, giving law enforcement the ability to search electronic databases and retrieve the

victims' images. AB 1310 also allows for the prosecution of cyber exploitation cases in the county where the victim resides or in the county where the images were posted. Since posters and website operators commonly reside outside of the victim's jurisdiction, this change in the law will relieve some of the burden placed on the victim during the prosecution of the case. "With this legislation, law enforcement will be able to more effectively investigate and prosecute cyber exploitation criminals across multiple jurisdictions," said Assemblymember Gatto. "I applaud the Attorney General for championing this measure and thank Governor Brown for signing it into law."

This year, Attorney General Harris sponsored two bills to enhance the prosecution of cyber exploitation in the state. Senate Bill 676 (Cannella, R-Ceres), signed by the governor last month, enables law enforcement to seek the forfeiture and destruction of cyber exploitation images. On October 14, the Attorney General's Cyber Exploitation Working Group will announce its findings and unveil new resources for victims, law enforcement, and tech companies in the fight against cyber exploitation. This new initiative represents the culmination of a 9 month-long collaboration on four key areas: developing industry best practices, education and prevention, law enforcement training and collaboration, as well as legislation and advocacy. The working group includes major technology companies such as Facebook, Microsoft, Twitter, Yahoo!, Google, and Instagram.

Attorney General Harris created the eCrime Unit in 2011 to identify and prosecute identity theft crimes, cybercrimes, and other crimes involving the use of technology. The California Department of Justice is leading the nation in prosecuting these crimes, having garnered the first successful prosecution of a cyber exploitation operator in the country. In 2015, Kevin Bollaert was sentenced to eight years imprisonment followed by ten years of supervised release for his operation of a cyber exploitation website that allowed the anonymous, public posting of intimate photos accompanied by personal identifying information of individuals without their consent.

## **AG files campaign finance complaint against SEIU 925**

OLYMPIA — The Attorney General's Office today announced that it has filed a complaint in Thurston County Superior Court alleging campaign finance violations by Service Employees International Union Local 925 (SEIU 925) and SEIU Local 925 Public Service PAC (SEIU 925 PAC). Specifically, the AG alleges that SEIU 925 and SEIU 925 PAC failed to timely and properly file reports of in-kind and monetary contributions as required under the state's campaign finance laws.

"Transparency in elections is vital to the integrity of our democracy," Attorney General Bob Ferguson said. "I am committed to holding all parties accountable for disclosing timely information, so voters can make fully informed decisions."

In August, the Attorney General's Office received a Citizen Action Complaint from the Freedom Foundation against SEIU 925 alleging multiple violations of the state's public disclosure laws. The matter was referred to the state Public Disclosure Commission, which opened a formal investigation and reviewed the allegations against SEIU 925 at its special meeting on October 5, 2015. PDC staff reported their findings that SEIU 925 had not violated state law on the majority of the allegations. However, PDC Staff found that SEIU 925 had violated the requirement to report contributions, including in-kind contributions of staff time to operate and manage its political action committee.

The AGO's complaint alleges that, between 2011 and 2015, SEIU 925 failed to file reports of monetary contributions totaling \$635,000 made to SEIU 925 PAC as well as to other individuals

and political committees. The complaint also alleges SEIU 925 failed to file reports of in-kind contributions — including staff time, office space, postal and web services, and telephones — it made to the SEIU 925 PAC. Finally, while SEIU 925 PAC reported receiving the monetary contributions, it failed to properly file reports of any in-kind contributions received from SEIU 925.